

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §

VS. § CRIMINAL NO. 4:14-CR-634

JOHN N. EHRMAN §

MOTION FOR CONTINUANCE
DUE TO RECENT TRAUMA AND PLANNED SURGERY

TO THE HONORABLE KENNETH HOYT:

NOW COMES John Ehrman, by and through his attorney Dick DeGuerin, and moves the Court to continue this case from its present trial setting due to a recent injury and scheduled remedial surgery, for cause showing as follows:

1. On July 10, 2018, Defendant John Ehrman suffered an injury to his foot, ankle, and heel due to a fall.
2. This is the same foot, ankle, and heel that had previously been injured and repaired by surgery, which included three metal plates and five screws.
3. On July 11, 2018, he was examined by Dr. Mark R. Labbe, of Houston Methodist Orthopedics and Sports Medicine clinic in The Woodlands, who ordered x-rays and CT scan. Attached as exhibits are A. report from Dr. Labbe dated July 20, 2018, and B. x-ray report dated July 11, 2018.
4. The x-ray and CT scan revealed three new fractures in his ankle as well as a crushed heel bone. Dr. Labbe referred Defendant Ehrman to orthopedic surgeon Dr. Hanson, who on Friday, July 20, 2018, Dr. Hanson recommended and scheduled surgery,

to take place on Thursday, July 26, 2018.

4. Undersigned counsel telephonically notified AUSA John Braddock of the situation on Friday, July 20, 2018, after learning of the scheduled surgery.

5. Defendant Ehrman has requested a written narrative report from Dr. Hanson, but undersigned counsel has not received the letter as of the time this motion is prepared on Monday, July 23, 2018.

6. The orthopedic surgeon, Dr. Hanson, has told Defendant Ehrman that the injury and break are very bad and require surgery; that some of the broken bone has displaced and that the heel must be reassembled with screws and plates; that the surgery has a high risk of infection, and will require pain medication, hydrocodone acetaminophen (10-325), zero weight bearing for two months, followed by physical therapy. Counsel will supplement this motion with the report from Dr. Hanson, as soon as it is received.

7. Defendant Ehrman is physically incapable of proceeding to trial as scheduled on August 13, 2018, due to the injury, surgery, and recovery therefrom. The medications have side effects such as: dizziness, drowsiness, confusion; thus interfering with Defendant's ability to consult with his lawyers.

8. Defendant requests a hearing on this motion for continuance, and that upon hearing a continuance of the present trial setting be granted due to Defendant's inability to participate in a meaningful way in his own defense, due to the serious injury, surgery, and recovery therefrom.

Respectfully submitted,

DeGUERIN & DICKSON

/s/ Dick DeGuerin

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on Assistant United States Attorney John Braddock by hand delivery, and other interested parties, by delivering a copy of same by electronic mail via the CM/ECF system on October 2, 2017.

/s/ Dick DeGuerin
Dick DeGuerin

CERTIFICATE OF CONFERENCE

I telephonically informed Assistant United States Attorney John Braddock of the described injury on July 20, 2018, and as of the time of this filing I have not spoken to Mr. Braddock regarding his position to this Motion For Continuance, but assumed he is opposed.

Dated: July 23, 2018

/s/Dick DeGuerin
Dick DeGuerin